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10 *Attorneys for Plaintiff Natalie Ocegueda in  
11 Ocegueda v. Zuckerberg, No. 18-cv-1893-VC*

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

LAUREN PRICE, individually and on behalf of all others similarly situated, ) Case No. 18-cv-1732-VC  
vs. ) Plaintiff, ) **Plaintiff Natalie Ocegueda's  
13 ANALYTICA, ) vs. ) Administrative Motion to Consider  
Defendants.) ) Whether Cases Should Be Related  
FACEBOOK, INC. and CAMBRIDGE ) (Civil L.R. 3-12(b) and 7-11)  
14 ) The Honorable Vince Chhabria  
15 )  
16 )**

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 Pursuant to Rule 3-12(b) and Rule 7-11 of the Civil Local Rules, plaintiff Natalie  
3 Ocegueda in *Ocegueda v. Zuckerberg*, No. 18-cv-1893-VC, respectfully moves the Court  
4 to consider whether the Consumer Class Actions (all of which have been assigned to this  
5 Court's calendar)<sup>1</sup> are related to her action (*Ocegueda*, which has also been assigned to  
6 this Court's calendar), as well as four other shareholder derivative actions brought in  
7 this District on behalf of nominal defendant Facebook, Inc. ("Facebook"):

- 8     • *Hallisey v. Zuckerberg*, No. 18-cv-1792-HSG (commenced March 22, 2018);  
9     • *Martin v. Zuckerberg*, No. 18-cv-1834-DMR (commenced March 23, 2018);  
10     • *Karon v. Facebook, Inc.*, No. 18-cv-1929-EJD (commenced March 29, 2018);  
11         and  
12     • *Gloria Stricklin Trust v. Zuckerberg*, No. 18-cv-2011-JSC (commenced April  
13             2, 2018)

14 (collectively, together with *Ocegueda*, the "Shareholder Derivative Actions"). In support  
15 of her administrative motion, Ms. Ocegueda submits the accompanying Declaration of  
16 Francis A. Bottini, Jr. and proposed order, and states as follows:

17     1. Under Civil Local Rule 3-12, actions are related when: "(1) [t]he actions  
18 concern substantially the same parties, property, transaction or event; and (2) [i]t  
19 appears likely that there will be an unduly burdensome duplication of labor and expense  
20 or conflicting results if the cases are conducted before different [j]udges." CIV. L.R. 3-  
21 12(a).

22     2. On March 22, 2018, the *Price* action — the first of the Consumer Class  
23 Actions — was assigned to this Court's calendar. See Dkt. No. 10.

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24     <sup>1</sup> By order dated April 6, 2018, the Court found that the first-filed *Price* action —  
25 commenced on March 20, 2018 — is related to the following five consumer class actions  
26 (collectively, together with *Price*, the "Consumer Class Actions"): *Beiner v. Facebook,*  
27 *Inc.*, No. 18-cv-1953; *Rubin v. Facebook, Inc.*, No. 18-cv-1852; *Gennock v. Facebook,*  
28 *Inc.*, No. 18-cv-1891; *O'Kelly v. Facebook, Inc.*, No. 18-cv-1915; and *Haslinger v.*  
29 *Facebook, Inc.*, No. 18-cv-1984. See Dkt. No. 27 (all references to docket entries refer to  
the docket of the *Price* action).

1       3. On April 2, 2018, plaintiffs in *Beiner* moved under Civil Local Rule 3-12(b)  
2 to consider whether the Consumer Class Actions are related because they:

3             (a) involve the same or similar parties, *i.e.*, Facebook users as plaintiffs,  
4 defendant Facebook, and defendant Cambridge Analytica, LLC (“Cambridge”);  
5 and

6             (b) arise from “the massive unauthorized exfiltration of Facebook user  
7 data for use by [Cambridge] for ‘psychometric’ targeted advertising during the  
8 2016 presidential election campaign.”

9 See Dkt. No. 15 at 2. Specifically, plaintiffs in the Consumer Class Actions allege that  
10 Facebook and Cambridge violated various state and federal statutes and common law by  
11 causing the exfiltration and misuse of the Facebook user data. *See id.* The *Beiner*  
12 plaintiffs’ administrative motion was unopposed, and was supported by plaintiff in  
13 *Rubin* (the second-filed Consumer Class Action). *See* Dkt. No. 16.

14       4. On April 6, 2018, the Court granted the *Beiner* plaintiffs’ administrative  
15 motion, finding that the Consumer Class Actions are related. *See* Dkt. No. 27. The Court  
16 accepted the assignment of *Rubin*, *Gennock*, *O’Kelly*, *Beiner*, and *Haslinger*. *See id.*

17       5. Consistent with the Court’s April 6, 2018 order, the Shareholder Derivative  
18 Actions — *Hallisey*, *Martin*, *Ocegueda*, *Karon*, and *Gloria Stricklin Trust* — are related  
19 to the Consumer Class Actions because all of these actions:

20             (a) involve some of the same parties, *i.e.*, shareholders and users of  
21 Facebook as derivative plaintiffs and Facebook as nominal defendant in the  
22 Shareholder Derivative Actions; and

23             (b) arise from some of the same underlying events and transactions,  
24 including the massive unauthorized exfiltration of Facebook user data for illegal  
25 use by Cambridge during the 2016 presidential election.

26 Like the Consumer Class Actions, the Shareholder Derivative Actions seek remedies,  
27 including damages and injunctive relief, for Facebook’s deficient data-securities policies

1 and practices that led to the massive security breaches of user data, including  
 2 Cambridge's exfiltration of Facebook user data. *See Hallisey Compl.* ¶¶ 1–26; *Martin*  
 3 *Compl.* ¶¶ 1–18; *Ocegueda Compl.* ¶¶ 1–16; *Karon Compl.* 1–26; *Gloria Stricklin Trust*  
 4 *Compl.* ¶¶ 1–16. More specifically, Ms. Ocegueda — both a shareholder and user of  
 5 Facebook — seeks declaratory and injunctive relief regarding Facebook's obligation to  
 6 notify its users of the data breaches. *See Ocegueda Compl.* ¶¶ 212–24. The complaints in  
 7 *Price*, as well as in the other Consumer Class Actions, seek similar declaratory and  
 8 injunctive relief. *See, e.g.*, Dkt. No. 1 ¶¶ 32, 41, 46.

9       6. Because the Shareholder Derivative Actions and the Consumer Class  
 10 Actions "concern substantially the same parties, property, transaction or event," these  
 11 actions are related within the meaning of Civil Local Rule 3-12(a)(1). As a result,  
 12 assignment of all Shareholder Derivative Actions, including *Hallisey*, *Martin*, *Karon*,  
 13 and *Gloria Stricklin Trust*, to this Court's calendar will promote efficiency and judicial  
 14 economy and will avoid "unduly burdensome duplication of labor and expense or  
 15 conflicting results." CIV. L.R. 3-12(a)(2).

16       7. Re-assignment of *Hallisey*, *Martin*, *Karon*, and *Gloria Stricklin Trust* to  
 17 this Court's calendar is particularly appropriate because:

- 18           (a) *Ocegueda* has already been assigned to *this Court's calendar*;
- 19           (b) on April 6, 2018, Ms. Ocegueda moved for *ex parte* relief *in this*  
                  *Court*, seeking expedited discovery or, in the alternative, an order  
                  setting a status conference (*see Ocegueda* Dkt. No. 20); and
- 20           (c) *Hallisey*, *Martin*, *Karon*, and *Gloria Stricklin Trust* are in their  
                  infancy, and the judges presiding over those cases have not made  
                  any rulings.

25       Accordingly, the Court should grant Ms. Ocegueda's administrative motion and  
 26 issue the accompanying proposed order holding that:

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- (1) the Shareholder Derivative Actions (*Hallisey*, *Martin*, *Ocegueda*, *Karon*, and *Gloria Stricklin Trust*) are related to the Consumer Class Actions (*Price*, *Rubin*, *Gennock*, *O'Kelly*, *Beiner*, and *Haslinger*) under Civil Local Rule 3-12(a); and
  - (2) the following four Shareholder Derivative Actions — *Hallisey* (No. 18-cv-1792-HSG), *Martin* (No. 18-cv-1834-DMR), *Karon* (No. 18-cv-1929-EJD), and *Gloria Stricklin Trust* (18-cv-2011-JSC) — should be assigned to this Court's calendar under Civil Local Rule 3-12(f).

Dated: April 9, 2018

Respectfully submitted,

## BOTTINI & BOTTINI, INC.

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